

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, Development Services Director  
Prepared by: Marcie Oppenheimer Nolan, Deputy Planning and Zoning Manager

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACKNOWLEDGING THAT A PORTION OF THE SR7/441 TRANSIT ORIENTED CORRIDOR IS LOCATED WITHIN THE 60 DNL NOISE CONTOUR LINE OF THE 2020 AIRPORT FLIGHT PATH; ACKNOWLEDGING THAT THE TOWN OF DAVIE WILL ENSURE APPROPRIATE NOISE MITIGATION MEASURES WILL BE REQUIRED FOR ANY NEW RESIDENTIAL OR OTHER INCOMPATIBLE USE BY THE DEVELOPER/BUILDER; AND ACKNOWLEDGING THAT THE TOWN OF DAVIE WILL NOT REQUEST MONETARY COMPENSATION BY THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS FOR IMPACTS ASSOCIATED WITH IMPACTS WITHIN THE 60 OR GREATER DNL NOISE CONTOUR LINES FOR NEW RESIDENTIAL UNITS LOCATED WITHIN THE TOC; PROVIDING FOR AN EFFECTIVE DATE

**REPORT IN BRIEF:** The Town Council adopted the SR7/441 Corridor Master Plan in 2005 as a long-term vision for promoting economic vitality, aesthetic improvement, community redevelopment and safety in this area. Subsequently the Town Council approved for transmittal the requisite land use plan amendment to the Broward County Planning Council and Broward County Board of County Commissioners. The proposed Town initiated land use plan amendment will result in a maximum of 6,248 new residential units; with approximately 3,100 residential units are proposed within the 60 DNL in 2020 with the proposed airport expansion. The County Commission is concerned that placing new residential units within the 60 DNL may require noise mitigation funded by the County at some point in the future. The County Commissioners has asked the County Attorney to draft an agreement that a local government will enter into with the County to ensure that noise mitigation for any new residential units will be required of the developer as opposed to the County. This resolution outlines the concerns of the County Commissioners and states that the Town will enter into an agreement with the County and ensure that developers will provide appropriate noise mitigation measures for future Davie residents.

**PREVIOUS ACTIONS:** R-2005-236 approved the SR7/441 Master Plan.

**CONCURRENCES:**

**FISCAL IMPACT:**

Has request been budgeted? No

If yes, expected cost:

If no, amount needed: No Town funds are needed for this project at this time.

What account will funds be appropriated from:

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council.

**Attachment(s):** Resolution

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACKNOWLEDGING THAT A PORTION OF THE SR7/441 TRANSIT ORIENTED CORRIDOR IS LOCATED WITHIN THE 60 DNL NOISE CONTOUR LINE OF THE 2020 AIRPORT FLIGHT PATH; ACKNOWLEDGING THAT THE TOWN OF DAVIE WILL ENSURE APPROPRIATE NOISE MITIGATION MEASURES WILL BE REQUIRED FOR ANY NEW RESIDENTIAL OR OTHER INCOMPATIBLE USE BY THE DEVELOPER/BUILDER; AND ACKNOWLEDGING THAT THE TOWN OF DAVIE WILL NOT REQUEST MONETARY COMPENSATION BY THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS FOR IMPACTS ASSOCIATED WITH IMPACTS WITHIN THE 60 OR GREATER DNL NOISE CONTOUR LINES FOR NEW RESIDENTIAL UNITS LOCATED WITHIN THE TOC; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, with R-2005-236 the Town Council approved the SR7/441 Corridor Master Plan as a vision for promoting economic vitality, aesthetic improvement, community redevelopment and safety in this industrial and commercial area of the Town; and

WHEREAS, the proposed Town initiated land use plan amendment will result in a maximum of 6,248 new residential units; and

WHEREAS, approximately 3,100 residential units are proposed within the 60 DNL in 2020 with the proposed airport expansion; and

WHEREAS, the Town of Davie understands the position of the Broward County Board of County Commissioners to ensure that new residential units located within the 60 DNL noise contour lines do not suffer negative impacts; and

WHEREAS, it is the intent of the Transit Oriented Corridor (TOC) land use plan amendment to require new residential units located within the 60 DNL to be properly mitigated from noise impacts; and

WHEREAS, it is the position of the Town of Davie that such noise abatement shall be provided by the developer; and

WHEREAS, the Town of Davie shall enter into an agreement with the Broward County Board of County Commissioners to release the County from any noise abatement obligations that may result from the proposed TOC land use plan amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie shall ensure that residential development proposed within the 60 DNL shall require appropriate noise mitigation as may be defined in the Airport Part 150 study and such mitigation shall be the responsibility of the developer.

SECTION 2. The Town of Davie shall enter into an agreement with the Broward County Board of County Commissioners to release the County from any noise abatement obligations that may result from the proposed TOC land use plan amendment

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.